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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

LHF PRODUCTIONS, INC.,

Plaintiff(s),

v.

GENE SMITH, et al.,

Defendant(s).

Case No. 2:16-cv-01803-JAD-NJK

**REPORT AND RECOMMENDATION**

This is one of several cases alleging numerous defendants engaged in copyright infringement through BitTorrent. On April 27, 2017, the Court issued an order to show cause why the Court should not (1) sever all defendants except the first defendant, (2) dismiss the remaining defendants without prejudice, and (3) quash the subpoenas for discovery to the extent they pertain to any defendants other than the first named defendant. Docket No. 26 (citing *Third Degree Films, Inc. v. Does 1-131*, 280 F.R.D. 493 (D. Ariz. 2012); *Hard Drive Prods., Inc. v. Does 1-188*, 809 F. Supp. 2d 1150 (N.D. Cal. 2011); *On the Cheap, LLC v. Does 1-5011*, 280 F.R.D. 500 (N.D. Cal. 2011); *LHF Prods., Inc. v. Does 1-20*, 2016 WL 7423094 (E.D. Va. Dec. 22, 2016); and *ME2 Prods., Inc. v. Does 1-14*, 2016 WL 6948333 (N.D. Ga. Nov. 28, 2016)). Plaintiff filed a response. Docket No. 36.

Plaintiff represented that the legal arguments and analysis in the response filed in this case are the same as those presented in *LHF Productions, Inc. v. Kabala*, Case No. 2:16-cv-02028-JAD-NJK, Docket No. 59 at 2 (May 23, 2017). Concurrently herewith, the undersigned is issuing a report and recommendation in that case that all but the first defendant be severed and dismissed without prejudice.

1 For the same reasons, the undersigned **RECOMMENDS** in this case that all Defendants except Defendant  
2 Gene Smith be **SEVERED** and **DISMISSED** without prejudice.

3 Plaintiff is **ORDERED** to promptly serve a copy of this report and recommendation, as well as the  
4 order and report and recommendation issued concurrently herewith in *LHF Productions, Inc. v. Kabala*,  
5 Case No. 2:16-cv-02028-JAD-NJK, on any defendant who has not yet appeared, and shall file a proof of  
6 service of the same by June 20, 2017.

7 IT IS SO ORDERED.

8 Dated: June 13, 2017

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11 NANCY J. KORPE  
United States Magistrate Judge

12 NOTICE

13 Pursuant to Local Rule IB 3-2, any objection to this Report and Recommendation must be in writing  
14 and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has held that the courts  
15 of appeal may determine that an appeal has been waived due to the failure to file objections within the  
16 specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file  
17 objections within the specified time and (2) failure to properly address and brief the objectionable issues  
18 waives the right to appeal the District Court's order and/or appeal factual issues from the order of the  
19 District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*,  
20 708 F.2d 452, 454 (9th Cir. 1983).